

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SALLIE CAPUTI-RICHARDS,

Plaintiff,

-against-

CHUCK'S VINTAGE, INC. and VINCENT  
CAMMARATA,

Defendants.

1:22-cv-06409 (JLR)

**ORDER**

JENNIFER L. ROCHON, United States District Judge:


On January 19, 2023, the Court ordered Plaintiff to show cause why this case should not be dismissed as against Defendant Vincent Cammarata for failure to timely serve the Complaint and summons pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. *See* ECF No. 16. Plaintiff responded by confirming that he has not served Defendant Cammarata and does not object to the Court dismissing the Complaint against Cammarata without prejudice. Accordingly, this action is **DISMISSED** without prejudice *as to Defendant Vincent Cammarata*.

Additionally, the deadline for Defendant Chuck's Vintage Inc. to file an answer or otherwise respond to the Complaint was September 2, 2022. *See* ECF No. 6. Defendant Chuck's Vintage Inc. has not filed an answer or responded to the Complaint. Accordingly, Plaintiff shall file a motion for default judgment in accordance with the Court's Individual Rules and Local Rule 55 no later than **February 27, 2023**. Failure to timely file a motion for default judgment may result in dismissal for failure to prosecute.

The Clerk of Court is directed to keep this case **OPEN**.

Dated: February 6, 2023  
New York, New York

SO ORDERED

  
JENNIFER L. ROCHON  
United States District Judge